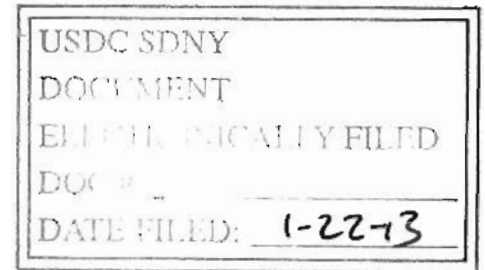


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January 18, 2013

VIA E-MAIL

Hon. Judge Paul A. Crotty, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

1-22-13
SO ORDERED:

HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

Re: *Securities and Exchange Commission v. Philip A. Falcone, et al.*, 12 Civ 5027; *Securities and Exchange Commission v. Harbinger Capital Partners LLC, et al.*, 12 Civ 5028 — Extension Request

Dear Judge Crotty:

We are counsel to Philip A. Falcone in the above-referenced actions. We write on behalf of Mr. Falcone and defendants Harbinger Capital Partners Offshore Manager, L.L.C., Harbinger Capital Partners Special Situations GP, L.L.C. and Harbinger Capital Partners LLC (collectively, with Mr. Falcone, the "Harbinger Defendants").

✓ We are writing to inform the Court that the plaintiff Securities and Exchange Commission has consented to the Harbinger Defendants' request for a one week extension of time to file reply briefs in further support of their motions to dismiss—from January 25, 2013 to February 1, 2013. This request was necessitated by the death on January 16, 2013 of the father of Tibor L. Nagy, a partner in our firm, who had principal responsibility over the past two months for producing the motions to dismiss. There have been no previous requests for any extensions on the briefing schedule for the motions to

MEMO EXHIBITED

THE DONTZIN LAW FIRM LLP

Hon. Judge Paul A. Crotty, U.S.D.J.

January 18, 2013

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dismiss and the seven day extension will not affect the date of oral argument, which is scheduled for February 28, 2013.

We respectfully request that the Court approve this agreed extension.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'David A. Fleissig', written over a horizontal line.

David A. Fleissig

cc: David P. Stoelting, Esq.
Senior Trial Counsel, Securities and Exchange Commission (via email)

David J. Gottesman, Esq.
Supervisory Assistant Chief Litigation Counsel, Securities and Exchange
Commission (via email)

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